

# MEMORANDUM



*We strive to be  
friendly, professional  
and fair*

**TO:** Development Review Committee

**FROM:** William J. Ammons, Planner  
Andrew Omer Trivette,  
Sr. Administrator for Environmental Projects

**RE:** **Amendment to a Minor Conditional Use**

**DATE:** August 15, 2006

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1 **I MEETING DATE:** August 22, 2006

2

3 **II REQUEST:**

4

5 A. *Proposal:*

6 Marr Properties is requesting an amendment to a minor  
7 conditional use at the Marr Properties site located at  
8 99900 Overseas Highway. The project is for the  
9 demolition and replacement of existing structures to  
10 include the rebuilding of 9,960 square feet of  
11 commercial retail and office space.

12

13 B. *Location:*

- 14 1. The property is located in Key Largo at Mile Marker 99.9.  
15 2. The address is 99900 Overseas Highway.  
16 3. Legal Description:  
17 Island of Key Largo, PT LOT 42 & PT OF RIGHT OF  
18 WAY ST RD 5  
19 4. The RE number is 00087700.000000.

20

21 C. *Applicant:*

- 22 1. Owner: (Stuart Marr) Marr 100 Family, Ltd.  
23 2. Agent: (Joel Reed) Reed & Company Development  
24 Services, Inc.

25

26 **III PROCESS:**

27 The project will be carried out in three primary phases. The reason for such is due  
28 to the need to await NROGO allocations in order to acquire the square footage  
29 necessary to redevelop the site with an additional 7,327 square feet in addition to  
30 the existing 2,633 square feet on site to finish with a total development consisting

1 of 9,960 commercial square feet. Construction is anticipated to begin in March  
2 2007 and commence by July of 2008.

3 The site currently consists of 2,633 square feet of Commercial, Non-Residential  
4 Floor Area buildings containing a real estate and leasing office. The proposal is to  
5 demolish the existing 2,633 square feet and construct 9,960 square feet of  
6 commercial retail space in three (3) buildings. It is anticipated that there will be a  
7 variety of commercial retail end users (i.e., offices, shops, eating and drinking). A  
8 maximum of 1,000 square feet will be dedicated to an eating/drinking facility; the  
9 other 8,999 square feet will be split between offices, and commercial retail space  
10 of medium intensity.

#### 11 12 13 **IV PRIOR COUNTY ACTIONS:**

14  
15 *Settlement Agreement, Case No. APP-94-031, Department of Community Affairs,*  
16 *Petitioner, vs. Coconut Grove Park Trustee, William Manwaring Wilson, and*  
17 *Monroe County, Respondent*

- 18  
19 1. On February 18, 1994, Monroe County issued to the Developer, as owner and  
20 general contractor, a building permit, numbered 9330011968, for construction of  
21 a commercial addition on the property.  
22  
23 2. On April 8, 1994, the Department timely appealed the building permit to  
24 the Florida Land and Water Adjudicatory Commission, alleging that the  
25 permit was not in compliance with applicable provisions of the Monroe  
26 County Land Development Regulations and Comprehensive Plan. The  
27 subject property is located within the Florida Keys Area of Critical State  
28 Concern, as designed under Sections 380.05 and 380.0552, Florida  
29 Statutes.  
30

31 *Resolution No. 174-1994 was signed on June 16, 1994 whereas Mr. Wilson, Coconut*  
32 *Grove Park Trust, the DCA and Monroe County agree to the following:*  
33

- 34 1. All access to US 1 from the property shall be prohibited. The plans for the project  
35 will be amended to delete any curb cuts on US 1 to the property and the developer  
36 shall gain ingress and egress to the property other than from US 1, consistent with  
37 all applicable codes and ordinances. However, in the future, the developer may  
38 apply for curb cuts on US 1 if the Monroe County Land Development Regulations  
39 are amended to allow such curb cuts; and  
40

41 Monroe County shall not issue any additional development orders to the property  
42 until this appeal is dismissed.  
43

#### 44 **V BACKGROUND INFORMATION:**

- 45  
46 A. Size of Site: 52,223 square feet or approximately 1.19 acres

- 1 B. Land use District: Sub Urban Commercial (SC)  
2 C. Future Land Use Designation: Mixed Use Commercial (MC)  
3 D. Proposed Tier Designation: Tier III - Infill Area  
4 E. Existing Vegetation / Habitat:  
5 The rear of the property is hardwood hammock. The remainder of this site  
6 is disturbed with both exotic and native landscaping. A row of native trees  
7 have been planted along the front and are maintained as small trees. Silver  
8 Buttonwood is planted on the highway side of the row of native trees and  
9 is being maintained as small individual bushes. A clump of exotic and  
10 native vegetation is located at the intersection of Sunset Boulevard and  
11 East Shore Drive, at the base of a power pole. Hammock is growing along  
12 the rear portion of this site, behind the present buildings.  
13 F. Community Character of Immediate Vicinity:  
14 The community character of the immediate vicinity is a mix of  
15 commercial, residential and public uses.  
16

## 17 **VI REVIEW OF APPLICATION and FINDINGS OF FACT**

18  
19 Major issues of concern with the application:

20  
21 This is an Amendment to a Minor Conditional Use. The standard for review is Section  
22 9.5-65.  
23

- 24 A. *Consistent with the purposes, goals, objectives and standards of the*  
25 *comprehensive plan and the land development regulations.*  
26  
27 1. Purpose of the Land Use and Future Land Use Districts:  
28 Sec. 9.5-206. Purpose of the Sub Urban Commercial District (SC)  
29 is to establish areas for commercial uses designed and intended  
30 primarily to serve the needs of the immediate planning area in  
31 which they are located. This district should be established at  
32 locations convenient and accessible to residential areas without use  
33 of US 1.  
34  
35 2. Specific Goals and Objectives of the Plan:  
36 The proposed development does not conflict with the Monroe  
37 County Year 2010 Comprehensive Plan.  
38  
39 B. *Consistent with the community character of the immediate vicinity.*  
40 The community character of the immediate vicinity is a mix of residential  
41 and commercial uses.  
42  
43 C. *Minimizes adverse effects on adjacent properties.*  
44 The project minimizes the adverse effects on adjacent properties.  
45  
46 D. *No adverse impact on the value of surrounding properties.*

Staff has no evidence the project will have an adverse impact on the value of surrounding properties.

E. *Adequate public facilities and services:*

1. Roads:

a. Localized impacts and access management:

The proposed development is estimated to generate 332 new daily trips to the transportation network. US 1 through the "Key Largo" segment have excess capacity to absorb the maximum impacts generated by this project. Therefore the proposed development will not have an adverse effect on the operating characteristics of US 1 through the "Key Largo" segment, nor will it inhibit the safe flow of traffic traveling through Key Largo.

b. Major road Level of Service:

A Level Two Traffic Impact Report was prepared by Carter & Burgess, Inc. Based upon a 50%/50% trip distribution, the project will add a maximum of 166 daily trips to Segment Number 23 (Key Largo) located immediately adjacent to the project. According to Monroe County's Level of Service and Reserve Capacity Table, Segment Number 23 has 8,446 trips of reserve capacity. Therefore, US 1 through the "Key Largo" segment has excess capacity to absorb the maximum impacts generated by the Commercial Development for the project.

2. Stormwater:

To be reviewed by County engineer. Impervious area calculations and swale locations shown on plans. Stormwater calculations for water retention (cubic volume) are not shown on plans.

3. Sewer:

The Monroe County Health Department is permitting authority for new/existing establishments that produce domestic wastewater flows less than or equal to 10,000 gallons per day, and new/existing establishments producing commercial wastewater sewage flows of less than or equal to 50,000 gallons per day. Establishments that exceed these estimated flows are regulated by the Florida Department of Environmental Protection.

4. Emergency Management:

A letter of coordination was sent from the Fire Marshall dated May 3, 2006. The requests of the Fire Marshall shall be met to determine compliance with 9.5-69.

F. *Applicant is financially able to complete the project.*

**In Compliance**

G. *Archaeological, historical, or cultural impact:*

There is no significant impact

H. *Preservation of public access to public beaches or other waterfront areas:*

**In Compliance**

I. *Complies with all additional standards.*

1. Density:

The site has the density to support an eating and drinking establishment of either medium or high intensity. The intensity will need to be provided when the applicant applies for a building permit.

*Size of Site: 52,223 sq. ft.*

|              |                      |
|--------------|----------------------|
| Building "A" | 3,920 sq. ft.        |
| Building "B" | 2,120 sq. ft.        |
| Building "C" | 3,920 sq. ft.        |
| <b>Total</b> | <b>9,960 sq. ft.</b> |

| <b>High Intensity</b> | <b>Site Size</b> | <b>F.A.R.</b> | <b>Max.</b> | <b>Proposed</b> | <b>Percent</b> |
|-----------------------|------------------|---------------|-------------|-----------------|----------------|
| Eating & Drinking     | 52,223           | 0.25          | 13,055.75   | 1,000           | 7.66%          |
| Commercial            | 52,223           | 0.25          | 13,055.75   | 7,960           | 60.97%         |
| Office                | 52,223           | 0.40          | 20,889.20   | 1,000           | 4.79%          |
| <b>Total</b>          |                  |               |             | <b>9,960</b>    | <b>73.42%</b>  |

| <b>Medium Intensity</b> | <b>Site Size</b> | <b>F.A.R.</b> | <b>Max.</b> | <b>Proposed</b> | <b>Percent</b> |
|-------------------------|------------------|---------------|-------------|-----------------|----------------|
| Eating & Drinking       | 52,223           | 0.15          | 7,833.45    | 1,000           | 12.77%         |
| Commercial              | 52,223           | 0.25          | 13,055.75   | 7,960           | 60.97%         |
| Office                  | 52,223           | 0.40          | 20,889.20   | 1,000           | 4.79%          |
| <b>Total</b>            |                  |               |             | <b>9,960</b>    | <b>78.52%</b>  |

2. Open Space:

Twenty percent on disturbed portion is required. Hammock portion can not be determined at this time.

3. Landscaping:

According to existing conditions map page # 274 there is both disturbed area (Code 740) and hammock (Code 426) along the west and northern portion of the lot. Applicant needs to provide hammock area calculations, proposed clearing calculations and a mitigation schedule. Disturbed portions shall be used maximum potential before development occurs in more sensitive areas. The dumpster needs to be relocated to a less environmentally sensitive area and preserve to the most extent practicable all flagged Wild Lime, Lancewood, Milkbark, Soldierwood and Cinnamonbark.

Adjoining district boundary bufferyard Class "D" IS→SC, Class "C" Major street bufferyard and Class "A" Parking lot landscaping shown on plans.

4. Shared Parking Calculations:

With the shared parking requirement, the entire site requires 36 parking spaces.

| Specific Use Category | Weekday<br>9am-6pm |             | Weekday<br>6pm-12am |             | Weekend<br>9am-6pm |             |
|-----------------------|--------------------|-------------|---------------------|-------------|--------------------|-------------|
|                       | SPF                | Spaces      | SPF                 | Spaces      | SPF                | Spaces      |
| Eating & Drinking     | 0.4                | 5.6         | 1                   | 14          | 0.8                | 11.2        |
| Commercial            | 0.6                | 14.3        | 0.9                 | 21.5        | 1                  | 23.88       |
| Office                | 1                  | 3           | 0.1                 | 0.3         | 0.1                | 0.3         |
| <b>Total</b>          |                    | <b>22.9</b> |                     | <b>35.8</b> |                    | <b>35.4</b> |

SPF = Shared Parking Factor

5. Minimum yards: **In Compliance**

6. NROGO:

The proposal is to demolish the existing 2,633 square feet of Commercial, Non-Residential Floor Area building containing a real estate and leasing office then to construct 9,960 square feet of commercial retail space in three (3) buildings. Therefore, an additional 7,366 square feet of NROGO would be needed to complete the proposed project.

7. Access:

The site plan indicates that there will be one (1) access drive along Sunset Boulevard. The access drive and curb cuts require approval from the County Engineer.

8. Letters of Coordination:

The applicant **has submitted** and/or received letters from the following stating that a request for a Letter of Coordination has been submitted. These letters **do not constitute final approval**.

- a. *Monroe County Health Department* dated 4/25/06 requesting that all required documents be submitted for approval.
  - b. *Florida Keys Electric Cooperative Association, Inc.-FKEC* dated 4/24/06 requesting three sets of plans including complete electrical load calculations for the proposed project.
  - c. *Monroe County Fire Rescue* dated 5/3/06 with stated conditions for approval.
  - d. *Florida Keys Aqueduct Authority* dated 5/9/06 requesting a complete set of Architectural plans be submitted for review.
- The applicant **has not submitted** evidence of application for a Letter of Coordination for the following required agencies:
- a. *South Florida Water Management District (SFWMD)*
  - b. *Florida Department of Environmental Protection (FDEP)*

## **VII. RECOMMENDED ACTION**

Planning Staff has proposed that the following conditions be attached to the Amendment to a Minor Conditional Use Permit:

1. Applicant shall provide hammock area calculations, proposed clearing calculations and a mitigation schedule Plan prior to the issuance of a development order.
2. Applicant shall update and provide a revised Landscape Plan prior to the issuance of a development order.
3. Applicant shall update and provide a revised Drainage Plan prior to the issuance of a development order.
4. Applicant shall submit a revised site plan showing the relocated dumpster to a less environmentally sensitive area and preserve to the most extent practicable all flagged Wild Lime, Lancewood, Milkbark, Soldierwood and Cinnamonbark prior to the issuance of a development order.
5. All access to US 1 from the property shall be prohibited. The applicant shall receive approval from the County Engineer for the curb cuts and access drive on Sunset Blvd. prior to the issuance of any building permits.
6. Applicant shall provide sixteen (16) copies of the updated blue prints with new site configuration prior to the issuance of a development order.
7. Applicant shall provide sixteen (16) copies of the survey prior to the issuance of a development order.

8. Applicant shall provide outdoor lighting location, type, power and height on the site plan submitted for a building permit.
9. Applicant shall provide existing and proposed fire hydrants or fire wells location on the site plan submitted for a building permit.
10. Applicant shall provide typed name and address mailing labels of property owners within a 300 feet radius of the subject property.
11. Applicant shall receive 7,366 square feet of NROGO prior to issuance of a building permit.
12. Applicant shall receive the following letters of coordination prior to the issuance of a building permit:
  - a. *South Florida Water Management District (SFWMD)*
  - b. *Florida Department of Environmental Protection (FDEP)*

## VIII RECOMMENDATIONS

- A. Staff Recommends approval to the Development Review Committee if all the above conditions are met.
- B. Development Review Committee Recommendation to the Planning Director: To be determined at the August 22, 2006 DRC meeting.

## IX PLANS REVIEWED

| Sheet # | Title                                 | By            | Date    | Received |
|---------|---------------------------------------|---------------|---------|----------|
| A-1     | Site Plan                             | Robert Barnes | 4/27/06 | 6/30/06  |
| L-1     | Landscaping Site Plan                 | Robert Barnes | 4/27/06 | 6/30/06  |
| C-1     | Civils Site Plan                      | Robert Barnes | 4/27/06 | 6/30/06  |
| A-2     | Building "A" First Floor Plan         | Robert Barnes | 4/27/06 | 6/30/06  |
| A-3     | Building "A" Second Floor Plan        | Robert Barnes | 4/27/06 | 6/30/06  |
| A-4     | Building "A" Elevations               | Robert Barnes | 4/27/06 | 6/30/06  |
| A-5     | Building "C" Floor Plan               | Robert Barnes | 4/27/06 | 6/30/06  |
| A-6     | Building "C" Elevations               | Robert Barnes | 4/27/06 | 6/30/06  |
| A-7     | Building "B" Floor Plans & Elevations | Robert Barnes | 4/27/06 | 6/30/06  |